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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,134	05/08/2001	Izumi Harada	070639/0135	1256
22428	7590	12/04/2003	EXAMINER	
FOLEY AND LARDNER			ELISCA, PIERRE E	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW				
WASHINGTON, DC 20007			3621	

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/850,134</b>  Examiner <b>Pierre E. Elisca</b>	Applicant(s) <b>Izumi, Harada</b>	   
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 15/08/2001.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-45 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-45 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Dreftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____                                    |

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**Examiner Pierre Eddy Elisca**  
**United States Department of Commerce**  
**Patent and Trademark Office**  
**Washington, D.C. 20231**

**DETAILED ACTION**

1. This Office action is in response to Application No. 09/850,134, filed on 05/08/2001.
2. Claims 1-45 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kawan (U.S. Pat. No. 6,442,532) in view of Moskowitz et al. (U.S. Pat. No. 5,822,432).

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As per claims 1, 2, 7-20, and 23-45, Kawan substantially discloses a wireless financial information, and settlement, comprising:

preparing deal information in said deal of said goods or said service in which a seller sells and said purchaser purchases (see., abstract, col 3, lines 10-67);

reading in said deal information by said mobile terminal (see., abstract, col 2, lines 11-23);

a settlement computer by said mobile terminal (see., abstract, col 3, lines 25-29, col 5, lines 24-33).

It is obvious to realize that most cellular phone have an e-mail address see., fig 2C. It is to be noted that Kawan fails to explicitly disclose the process of authenticating the seller and the purchaser based on the purchaser identification and the seller identification.. However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20).Moskowitz further discloses a digital watermark or fingerprint see., abstract, col 3, lines 15-40) Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

As per claim 3, Kawan discloses the claimed method of wherein at said step of displaying said deal information by said mobile terminal (see., fig 2C, col 4, lines 7-17). It is to be noted that Kawan fails to disclose the seller identification. However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20). Therefore, it would have

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been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

As per claims 4, 5, 6, 21, and 22 Kawan discloses a wireless financial information, and settlement, comprising:

preparing deal information in said deal of said goods or said service in which a seller sells and said purchaser purchases (see., abstract, col 3, lines 10-67);  
reading in said deal information by said mobile terminal (see., abstract, col 2, lines 11-23);  
a settlement computer by said mobile terminal (see., abstract, col 3, lines 25-29, col 5, lines 24-33);  
displaying said deal information (see., fig 2 C, col 4, lines 7-17). It is to be noted that Kawan fails to explicitly disclose the process of authenticating the seller and the purchaser based on the purchaser identification and the seller identification. However, Moskowitz discloses a seller identification and a purchaser identification (see., abstract, col 9, lines 5-15, col 13, lines 15-20). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless transaction of Kawan by including the limitations detailed above as taught by Moskowitz because this would provide a secure wireless or mobile terminal financial transactions.

*Conclusion*

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5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Patent Examiner

**November 25, 2003**